

The Maryland Board of Pharmacy Draft Public Minutes - January 20, 1999

President David Russo called the public meeting to order at 8:45 A.M.

In attendance were Commissioners W. Irving Lottier, Secretary, Wayne Dyke, Barbara Faltz Jackson, Melvin Rubin, Donald Yee, Ramona McCarthy Hawkins, Stanton Ades, Jeanne Gilligan Furman and Raymond Love; Board Counsel, Paul Ballard; Board Staff, David Denoyer, Pamm Wiggin and Executive Director Norene Pease.

Commissioners Schneider and Johnson were absent from the meeting.

Guests present include:

Howard Schiff, Dorothy Levi, Samuel Thomas, Jack Freedman, Cathy Putz, Monica Pogue, Mary Benson, Diane Johnson, Andrea Hogert, and Lisa Mayo-Michelson.

President Russo requested that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time.

There were no conflicts reported.

Approval of Minutes - Dr. Love requested a correction: on page 3, time adjourned on page 6 should be 11:25 A.M. Jeanne Furman made a motion which was seconded by Barbara Faltz Jackson to approve the minutes with Dr. Love's amendment. The motion was approved.

Executive Director's Report - Ms. Pease reported that the Board is recruiting to fill the position of Administrative Specialist to coordinate Board meetings and compliance functions. Ms. Pease requested the Board's support for reclassifying the position from Office Secretary III to Administrative Specialist. The Board supported the reclassification request.

Policy and Procedure for Registered Nurses Dispensing Prescriptions - This is a request from Local Health Departments that would enable registered nurses to dispense over the counter drugs and devices in public health clinical practice settings. The Community and Public Health Administration has not responded to the Board's comments on the Declaratory Ruling which would be proposed and adopted by the Board of Physician Quality Assurance.

Ms. Pease sent a letter to the CPHA last month and has not heard from the Department, but will keep this item on the agenda as a reminder.

The Executive Committee of the Board will meet with representatives from the University of Maryland, School of Pharmacy on January 28, 1998 at 8:00 A.M. The group will discuss issues relating to changes in the scheduling of examinations, changes in the set up required for the

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Laboratory Examination and whether the Board should offer the NABP Disease State Management examinations to be administered in Maryland. Mr. Dyke, Chair, Licensing Committee will also attend the meeting to discuss those agenda items relating to licensing.

Bi-Monthly Report - This item was handed out for informational purposes. Included in the report is a reminder to the Secretary that no action has been taken to look at the six drugs which are on a limited formulary. There have been no further meetings between members of the Board and Departmental officials to discuss this matter.

In addition, Ms. Pease reported that members of the Board, staff and Valerie Coons, CVS Regional Healthcare Manager would be meeting with Delegates Goldwater and Bozman to discuss the report of the Task Force on Pharmacy Support Personnel. Mr. Rubin would report on the Task Force on Pharmacy Support Personnel later in the meeting.

MPHA Meeting February 6 and 7, 1999 - The Board has been asked to make a five minute presentation at the House of Delegates Meeting on the status of Board initiatives. Norene Pease and David Denoyer will write the report. The report could be given by Mr. Rubin or Mr. Love.

National meeting NABP May 22-26 in Albuquerque - The Board has funding in the budget to send two persons to the conference. The Board normally sends the Executive Director and the Compliance Officer to the meeting. Members of the Board also attend the meeting but do not use Board funds to pay for their attendance.

The Council of Boards has scheduled a meeting with legislators on February 3, 1999 from 3:00 to 5:00 P.M in the James Senate Office Building, Room 108 in Annapolis. Board members were encouraged to attend and to ask for support for the Project Reserve Legislation that would enable all health occupations boards to retain a fund for use in paying for litigation or for unanticipated equipment losses without having to seek a budget amendment.

The Board voted last month to seek sponsorship for minor revisions to the Pharmacy Practice Act. The revisions include such items as permitting persons licensed in Florida and California to reciprocate to Maryland, changing the definition of pharmacy to include the prescription area, thereby permitting both mechanical and electronic surveillance systems, and bringing consistency and ease of understanding to renewal and reinstatement requirements for businesses and for pharmacists.

Nomination of Officers 1999 - Mr. Russo stated that he does not wish to seek the position of Board President. Nominations for President were opened. Mr. Lottier nominated Stanton Ades, and was seconded by Ms. Faltz Jackson. There were no further nominations for President. The Board approved the motion. Ms. Faltz Jackson nominated Mr Lottier for Board Secretary and

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was seconded by Mr. Yee. Nominations for Board Secretary were closed and the Board approved Mr. Lottier.

Ms. Jackson moved to reaffirm the appointment of Mr. Rubin to the Executive Committee and was seconded by Ms. Furman. There were no other nominations to the Executive Committee and the Board approved the motion to appoint Mr. Rubin.

Committee Reports

Licensing Committee - Commissioner Wayne Dyke reported that there were 13 reciprocity candidates and a motion was made by Mr. Dyke and seconded by Ms. Faltz Jackson to accept the candidates for licensure. The Board approved the motion. The candidates names are Hanan Akaysi, David Blanchard, Tilford, Brockett, Jr., Padmesh Chhita, Karen Dougherty, Gregory Drew, Angela Edwards, Connie Jung, Laura Kitzmiller, Marilyn Marquardt, Dan Nguyen, Julie Satterfield, Nigel Wakelin, and May Zin.

Disease State Management Examinations - The Licensing Committee met on January 6, 1999 to discuss the question should the Board offer the NABP's Disease State Management Examinations in Maryland. The consensus of the Committee was that the Board should participate. The Committee agreed to seek additional input from the School of Pharmacy at a meeting to be held on January 28, 1999. Additionally Ms. Pease contacted Dr. Voxakis, chair of the group studying the future of collaborative practice/disease state management in Maryland to obtain further input on offering the examinations in Maryland. The Committee would like to review the examination and Ms. Pease will try to obtain a copy for the Board.

Report on Revision of Laboratory Examination - Mr. Yee stated that the laboratory examination would be modified to include testing student practical knowledge associated with preparing an intravenous (IV) solution. Mr. Yee reported that he is nearing completion of a final draft for examination questions. Mr. Rubin suggested that the Board notify students that there will be a question on IV solutions when mailing examination information packets. Mr. Ades suggested as part of the packet the Board include information to assist the applicants including an example of questions that might be asked. Mr. Rubin stated that all students taking the examination in Maryland should have the benefit of the receipt of the same information when applying for the examination.

Mr. Love asked about the difference in resources for administering the examination and recommended contacting the School of Pharmacy to ensure that changes can be accommodated in the laboratory facility. Ms. Pease stated that it is on the agenda of the January 28, 1999 meeting with the School.

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With regard to the law examination Mr. Rubin reported that he spoke to Lisa Napi, NABP regarding reviewing the Maryland law questions. Mr. Rubin expressed concern that to date the Maryland law questions were not sufficient. Mr. Rubin felt cautiously optimistic the revised questions would be sufficient for the June 1999 examination administration. Mr. Ballard had advised the Board that the agreement with NABP to offer the State and Federal Law examination developed by NABP could be nullified if it became necessary to take such action. Board members agreed that if the Maryland Law questions developed by NABP were not adequate then, the Board would consider continuing to administer its own examination.

List of Non-renewed Pharmacists and Pharmacies.

Ms. Banks was instructed to make certain the list of non renewed persons and businesses is as up to date as possible and to request that the NABP newsletter list the names of non-renewed persons and businesses. The notice should be carefully written to state that the Board had not received renewal applications from the following individuals and businesses as of a certain date which would predate the publication by at least three months. The notice from the Board should also encourage all pharmacy businesses to verify the validity of pharmacists employed in their establishment.

Legislative Committee

Planning Group for the Future of Pharmacy Practice Meeting Held January 8, 1999 - Howard Schiff, MPHA give a brief summary of the meeting. The group has identified four areas for discussion: pharmacist scope of practice; liability for practitioners who engage in disease state management/collaborative practice; physician issues/concerns; and reimbursement. NACDS made a presentation about collaborative practice authorization in other states. Lobbyists Alan Rifkin and Mike Johansen are helping to determine an appropriate strategy.

Representatives from Kaiser made a presentation about reimbursement options for practitioners who engage in collaborative practice.

Mr. Schiff stated that the group discussed the NABP disease state management examinations and asked whether Maryland's Pharmacy Board should offer the examinations. The group is discussing what credentialing would allow a pharmacist to engage in collaborative practice but did not make any recommendations to the Board on making the disease state management examinations available in Maryland.

Regulation Update

Notice of Final Action - Assisted Living Programs

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Mr. Rubin reports that he plans to attend a meeting today with Licensing and Certification on the Assisted Living Regulation where packaging and distribution of medications will be discussed. Questions about how medications monitors, will safely handle cassettes for 7 and 28 day and other types of packaging of medications are on the agenda for discussion. The appropriate handling of samples including correct labeling will also be discussed. Other issues include when medication monitor or person other than a pharmacist repackages medication, is that practice defined as practicing pharmacy?

Mr. Ballard advised the Board that if such activities are legally defined as practicing pharmacy, the Board has the authority to seek an injunction to stop such practices if they pose a threat to the public health.

Notice of Proposed Action - Electronic Transmission of Prescription Orders have been published in the Maryland Register. Kate Riveolois, regulations coordinator advised the Board that the AELR Committee should review and make a final recommendation on passage soon.

The Code of Conduct Regulation may also be published in the Maryland Register in February.

Ms. Pease requested that the Board review the proposed revisions to Title 12. Three areas are being revised: a modified definition of prescription area to accommodate electronic or mechanical safety barriers, a provision that would enable persons licensed in Florida and in California to reciprocate to Maryland and a provision to bring consistency to the renewal and reinstatement requirements for pharmacists and for pharmacy establishments.

Dr. Love made a motion to approve the changes to Title 12 with the following change: § 12-101 (R)"SUPERVISION MEANS THE RESPONSIBILITY OF A LICENSED PHARMACIST, WHO IS AVAILABLE ON SITE TO EXERCISE DIRECTION AND EVALUATION FOR ANCILLARY PHARMACY PERSONNEL PERFORMING TASKS IN THE PRESCRIPTION AREA", and for Board representatives to seek a sponsor. Dr. Love offered to help brief legislators and to attend hearings on the proposed changes to Title 12.

Dr. Love also motioned to add language under reinstatement fee changes that addresses circumstances for renewal when a pharmacist applies for late renewal and a time frame of less than two years has transpired. The motion was seconded by Ms. Faltz Jackson and passed. President Russo referred to the Licensing Committee the review of the revision to Chapter 13 regulations on the Reinstatement of Expired Licenses for Pharmacists.

PEAC (Pharmacists Education and Assistance Committee) Update

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There was no report given since a PEAC member was not present at the meeting Ms. Pease did direct the Board to item 9a which was a revision to the pharmacist renewal application questions number one. The question has been rephrased to enable pharmacists who are under contract with PEAC to refrain from informing the Board on the application that they are being treated for drug or alcohol misuse. Members of the Board indicated that the change was correct and that there would be an insert in the renewal application describing the change until new renewal forms were printed.

The Pharmacy Practice Committee Report was presented by Stanton Ades who requested that Mr. Rubin report on the Task Force on Pharmacy Support Personnel. Mr. Rubin reported that the Task Force has begun to form the regulations based on the policy statement that the Board approved in December. There is a meeting on January 21, 1999 with Delegates Goldwater and Bozman to discuss the Task Force deliberations and recommendations to date. Virginia also had a task force that conducted a lengthy and in depth study of pharmacy support personnel which did not recommend any major policy change regarding the recognition of pharmacy support personnel in the State.

Mr. Rubin indicated that pharmacists need to be more involved in interacting with every patient to establish a therapeutic relationship and to ensure that patients have interacted with the licensed professional who is providing pharmaceutical care.

The Drug Formulary Advisory Committee has not been appointed by Secretary Wasserman.

Pharmacy Security Regulations were distributed by Ms. Wiggin. President Russo suggested that this item be reviewed by members of the Board and discussed during the February meeting.

The Patient Confidentiality issue was discussed briefly at the Practice Committee meeting and more time will be dedicated to it in future meetings. Mr. Ballard stated that his legal intern has written a paper on the topic that Mr. Ballard is reviewing and will share with the Practice Committee in the near future.

Emergency Drug Kits for home health is a topic that is under discussion with Commissioners Love and Ades and the Board of Nursing. Mr. Denoyer presented a draft of a proposal for regulations.

Ms. Levi suggested including "licensed" in the first definition and throughout wherever hospice and home health agency are mentioned. She also suggested that we should change, "return slip" to medication administration record throughout the chapter as suggested in the Practice Committee meeting, specifically in .04 2 e and 3 (c).

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Ms. Wiggin suggested adding a scope section to clarify the intended application of the regulation and the practice areas where use of the kits would be permitted.

Dr. Love inquired where the Pharmacy Practice Committee stood with regard to the question of how to monitor drugs when they are delivered to locations that could be viewed as a “depot”.

Mr. Denoyer stated that it is a matter that will be on an upcoming Pharmacy Practice Committee agenda.

Jeanne Furman reported that the Task Force addressing the use of robotics in various pharmacy settings is in the process of gathering information on the following topics: pharmacy product output in retail and mail order settings, how the final pharmacist quality review of medication to be dispensed is conducted when robotics are utilized, what types of robotics systems are in use in various settings and what is the role of pharmacy support personnel? The Task Force is also examining current standards of practice in various settings for training pharmacy staff in the use of robotics and in other standards of practice considerations. She stated that the NABP has addressed robotics in its model practice act. The next Task Force meeting is January 27, 1999.

There was no Budget Committee report, however Ms. Pease stated that staff is working on second quarter revenue and expenditure projections. Budget hearings on the fiscal year 2000 budget are scheduled for February 25 and 26, 1999.

Public Relations Committee/Counsel of Boards Report

Ms. Faltz Jackson stated that the Public Relations Committee has held telephone meetings to prepare the request for proposal (RFP) for the media campaign for 1999. The Committee plans to submit a RFP to the contracts division during February. Ms. Jackson shared with the Board a booklet describing Federal Education Grants that could be related to ideas/programs to enhance child safety. The deadline for submitting the grant applications in March 1999.

January 13, 1998 Counsel of Boards Legislative Committee Meeting Report on Project Reserve Legislation and Staff Reclassifications was held with Jack Sturgill, President. The DHMH has no replied to Board staff regarding recommendations for the reclassification of support personnel for the Boards. Mr. Sturgill will contact the Personnel Services Administration to attempt to keep discussions and decision making proceeding. A reclassification proposal for administrators/executive directors has not yet been submitted to DHMH.

Questions for the Board

A licensee who works for the FDA submitted a letter to the Board seeking revisions to the

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continuing education (CE) regulations so that he would not have to apply for approval from the Board to accept FDA as a CE provider. The Board instructed staff to send him a copy of the regulations which specify what programs are already acceptable to the Board without additional approval. The Board did not wish to consider changing its CE regulations which adequately address this type of circumstance.

A motion was made by Mr. Rubin and seconded by Mr. Yee to handled that situation by sending a letter and a copy of the regulations to the person making the inquiry.

Respectfully Submitted,

W. Irving Lottier, Jr.
Secretary